

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
No. 1:19-cv-00055**

ASHLEY GALLEHER, on behalf of
herself and all others similarly situated,)
Plaintiff,)
v.)
ARTISANAL, LLC and BILL GREENE,)
Defendants.)
CONSENT JUDGMENT FOR
LIABILITY AND DAMAGES
UNDER THE ELSA

Plaintiff, Ashley Galleher (“Plaintiff”), on behalf of herself and Opt-in Plaintiffs Macy Smith, Jessica Brown, Lynn Daly, Liza Stewart, Adam Smith, Sydney Bandemer, Erin Sferrazza, and Brendan Bengtson (together “Opt-In Plaintiffs”), alleges violations of the Fair Labor Standards Act of 1938, 29 U.S.C. §201, *et. seq.* (“FLSA”). On January 25, 2021, the Court granted Plaintiff’s Motion for Partial Summary Judgment, finding that Defendant violated the FLSA’s minimum wage and overtime requirements with respect to Plaintiff and Opt-In Plaintiffs. Defendant Artisanal, LLC (“Defendant”), by counsel, hereby agrees to the entry of this Consent Judgment for Liability and Damages Under the FLSA (“Consent Judgment”). It is, therefore, upon motion of the attorneys for Plaintiff and Defendant and for good cause shown:

ORDERED, ADJUDGED, AND DECREED that:

1. Judgment shall be entered against Defendant for the gross back wages and liquidated damages in the total amount of \$29,980.02 for violations of the overtime and minimum wage provisions of the FLSA alleged to have occurred during the period February 18,

2016 and ending March 19, 2021 (“Relevant Time Period”). This amount shall represent the full extent of back wages and liquidated damages owed by Defendant for the Relevant Time Period to the employees set forth and identified on the attached Schedule A. Defendant shall remain responsible for all tax payments considered to be the “employer’s share,” including, but not limited to, FICA.

2. The provisions of the Consent Judgment relative to back wages and liquidated damages payments shall be deemed satisfied when Defendant delivers to counsel for Plaintiff payment in the total amount of \$29,980.02. Defendant shall pay the total amount of \$29,980.02 by issuing two checks to the individuals listed in Schedule A, a check for back pay (“Check 1”) for the amounts listed on Schedule A as “Back Pay” and a check for liquidated damages (“Check 2”) for the amounts listed on Schedule A. Check 1 shall be subject to normal payroll withholding. Check 2 will not be subject to normal payroll withholding, but Defendant shall issue an IRS Form 1099 (Misc.) to each individual listed on Schedule A who receives \$600.00 or more for liquidated damages.
3. Upon receipt of the settlement proceeds from Defendant, Counsel for Plaintiff shall distribute the settlement checks to the individuals listed in Schedule A.
4. By entering into this Consent Judgment, Plaintiff, on behalf of herself and Opt-In Plaintiffs, does not waive her right to petition the Court for an award of reasonable attorneys’ fees or for an award ordering reimbursement of Plaintiff’s litigation costs and expenses. Counsel for Plaintiff shall file a petition for an award of reasonable attorneys’ fees and reimbursement of litigation costs and expenses within thirty (30) days of the date the Court approves this Consent Judgment.

5. Upon determining an award of reasonable attorneys' fees and litigation costs and expenses, the Court shall issue a final judgment against Defendant that sets forth the total amount awarded to Plaintiff, including \$29,980.02 for back pay and liquidated damages, plus the amount of reasonable attorneys' fees and litigation costs and expenses awarded by the Court.
6. Counsel for Plaintiff shall file a Notice of Satisfaction of Judgment upon receiving Defendant's payment, in full, of the amounts awarded by the Court, including \$29,980.02 for back pay and liquidated damages, plus the amount of reasonable attorneys' fees and litigation costs.

/s/ Philip J. Gibbons, Jr.

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Attorney for Plaintiff(s)

/s/ John Benjamin "Jak" Reeves

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Attorney for Defendant

SCHEDULE A

Name	Back Pay	Liquidated Damages
Ashley Galleher	\$ 3,766.47	\$ 3,766.47
Macy Smith	\$ 1,276.05	\$ 1,276.05
Jessica Brown	\$ 4,167.28	\$ 4,167.28
Lynn Daly	\$ 25.00	\$ 25.00
Liza Stewart	\$ 4,741.74	\$ 4,741.74
Adam Smith	\$ 25.00	\$ 25.00
Sydney Bandemer	\$ 911.67	\$ 911.67
Erin Sferrazza	\$ 25.00	\$ 25.00
Brendan Bengston	\$ 51.80	\$ 51.80
Subtotal	\$ 14,990.01	\$ 14,990.01

Signed: May 11, 2021


Max O. Cogburn Jr.
United States District Judge